

Sixth Appellate District

San Jose, California

TUESDAY, DECEMBER 26, 2006

The following case is submitted this date:

H030349 PEOPLE v. ROSILLO

H029408 PEOPLE v. KLEIN

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 26, 2006

H030173 PEOPLE v. BRACAMONTES

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed December 26, 2006

H029370 PEOPLE v. VALENCIA

The judgment is reversed and remanded for potential retrial on the count alleging continuous sexual abuse of D. If the prosecutor elects not to retry this count, the trial court shall resentence defendant on the other counts. (partial publication)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed December 26, 2006

WEDNESDAY, DECEMBER 27, 2006

(no minute approved orders)

THURSDAY, DECEMBER 28, 2006

The following case is submitted this date:

H030274 In re ANGEL M.; D.F.C.S. v. SYLVIA M., et al.

H029780 PEOPLE v. LEYVA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 28, 2006

Sixth Appellate District

San Jose, California

Thursday, December 28, 2006 (continued)

H028358 PEOPLE v. GARCIA

The judgment of conviction on counts 10, 11, 12 and 13 is reversed. The true findings on the special allegations pursuant to Penal Code section 667.61, subdivisions (b) and (e), attached to counts 2, 4, 6, 8, 9, 11, 12, and 13 are stricken. In all other respects, the judgment of conviction is affirmed. The judgment of sentence is reversed. If, within 30 days after remittitur issues from this court, the People have not filed and served an election to retry counts 10, 11, 12, and 13, and the special allegations pursuant to Penal Code section 667.61, subdivisions (b) and (e), the trial court shall resentence defendant. If the People file an election to retry counts 10, 11, 12, and 13 and the special allegations, the trial court shall resentence defendant on all counts after the retrial. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 28, 2006

H029353 PEOPLE v. DARBEY, et al.

The judgments are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed December 28, 2006

H029334 PEOPLE v. BELONEY et al.

The judgments are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed December 28, 2006

H029996 PEOPLE v. GAXIOLA

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 28, 2006

H029004 MULLER, as Trustee, etc. v. KEITH

The judgment is reversed. The matter is remanded to the trial court with instructions to enter judgment in favor of Danny Keith. Costs on appeal awarded to Danny Keith. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 28, 2006

Sixth Appellate District

San Jose, California

FRIDAY, DECEMBER 29, 2006

H030274 In re ANGEL M.; D.F.C.S v. SYLVIA M. et al.

The order denying Miguel's section 388 petition is affirmed.
The judgment terminating appellants' parental rights is affirmed.
(not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 29, 2006

H029210 ISRAELSSON v. HICKS

The appeal is dismissed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 29, 2006

H029998 ISREAELSSON v. HICKS

The judgment is affirmed. The parties shall bear their own
costs on appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 29, 2006

H028175 PEOPLE v. MATA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 29, 2006

H029574 SHEPPARD v. LIGHTPOST MUSEUM FUND, et al.

The superior court's order is reversed, and the superior
court is directed to vacate its order and enter a new order
denying Sheppard's motion to strike in its entirety. LMF and ACC
shall recover their appellate costs. (published)

(Mihara, Acting P.J.; I concur: Duffy, J., Concurring opinion by
McAdams, J.)

Filed December 29, 2006

H029598 PEOPLE v. CROCKETT

The judgment is reversed. The matter is remanded to the
trial court for the limited purpose of allowing defendant to
bring a motion to withdraw his plea. If the motion is not filed
within 30 days after remittitur of record is filed, or if the
motion is denied, the trial court shall reinstate the judgment.
(not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,
J.)

Filed December 29, 2006

Sixth Appellate District

San Jose, California

Friday, December 29, 2006 (continued)

H029308 PEOPLE v. TREVINO

The judgment is reversed solely with respect to the erroneous calculation of credits. The trial court is directed to recalculate defendant's custody credits under section 4019 and to prepare an amended abstract of judgment reflecting the amended credits. In all other respects the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 29, 2006